

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARCUS L. HARRISON,

No. C 07-959 SI (pr)

Plaintiff,

**ORDER DENYING MOTION
TO ALTER THE JUDGMENT**

v.

OFFICER J. SAMPLE,

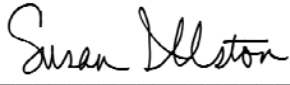
Defendant.

Plaintiff's motion to alter the judgment against him is DENIED. (Docket # 37.) A motion for reconsideration under Rule 59(e) "should not be granted, absent highly unusual circumstances, unless the district court is presented with newly discovered evidence, committed clear error, or if there is an intervening change in the law." McDowell v. Calderon, 197 F.3d 1253, 1255 (9th Cir. 1999) (citation omitted) (en banc); see School Dist. No. 1J, Multnomah County v. ACandS, Inc., 5 F.3d 1255, 1263 (9th Cir. 1993). The evidence in plaintiff's motion is not newly discovered and the cases he cites do not reflect any change in the law, nor has he shown the court committed clear error or made a manifestly unjust decision. The other two rules cited by plaintiff do not aid him because neither is applicable to this case decided at the summary judgment stage: Rule 15(a) concerns amendment of pleadings and the decision against plaintiff was not due to any pleading problem; Rule 19 concerns joinder and simply has no applicability.

1 Plaintiff's motion to amend/correct the information in his declaration is GRANTED.
2 (Docket # 39.) The court has considered the declaration as amended in evaluating his motion
3 to alter the judgment.

4 IT IS SO ORDERED.

5 Dated: August 31, 2008



SUSAN ILLSTON
United States District Judge